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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
EASTERN DIVISION

STEVEN ANTHONY GUZMAN,

Petitioner,

v.

A. LAMARQUE, Warden,

Respondent.

CIV-S-04-0700 FCD GGH P

**STIPULATION AND ORDER
WITHDRAWING
PETITIONER'S MOTION
FOR LEAVE TO FILE THIRD
AMENDED PETITION AND
TO STAY PROCEEDINGS;
GRANTING PETITIONER 30
DAYS TO FILE TRAVERSE**

STIPULATION

On April 20, 2006, counsel for petitioner filed a "Request For Extension Of Time To File Traverse And For Permission To File A Third Amended Petition, Then To Stay & Abey Proceedings Pending Exhaustion Of State Court Remedies." On April 26, 2006, counsel for petitioner agreed to re-notice her motion until July 27, 2006, to await the outcome of the Supreme Court's ruling in *Clark v. Arizona* (cert. granted Dec. 5, 2005, No. 05-5966).

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Clark v. Arizona, --- S.Ct. ----, 2006 WL 1764372 (U.S.Ariz., June 29, 2006) was decided

Stipulation and [Proposed] Order Withdrawing Petitioner's Motion For Leave to File Third Amd. Complaint, etc.

1 today against Petitioner's proposed new claim. Counsel discussed the *Clark* case today and counsel
2 for petitioner requested that counsel for respondent file this stipulation.

3 In light of the *Clark* case, the parties HEREBY STIPULATE that petitioner's motion
4 scheduled for July 27, 2006, be withdrawn.

5 The parties FURTHER STIPULATE that the time for petitioner to file his traverse may
6 be extended until July 31, 2006

7 IT IS SO STIPULATED.

8 Dated: June 29, 2006

BILL LOCKYER
Attorney General of the State of California

9 /S/ CRAIG S. MEYERS

10 BY: _____

11 Craig S. Meyers
12 Attorneys for Respondent

13 Dated: June 29, 2006

/S/ MARY LOU HILLBERG

14 _____
15 Mary Lou Hillberg
Attorney for Petitioner

16 **ORDER**

17 Upon stipulation of the parties, and good cause appearing therefor, it is HEREBY
18 ORDERED that petitioner's motion to stay and amend, scheduled for July 27, 2006, is withdrawn
19 and taken off calendar. Petitioner's traverse shall be filed no later than July 31, 2006

20 IT IS SO ORDERED

21 Dated: 7/5/06

/s/ Gregory G. Hollows

22 _____
23 HON. GREGORY G. HOLLOWS
United States Magistrate Judge

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